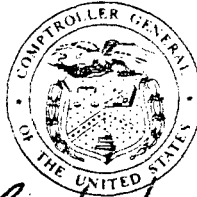


17797 *Harvey*

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

[Untimely Protest of Subcontract Award]

FILE:B-202416

DATE: April 17, 1981

MATTER OF: Digital American Computers, Inc.

DIGEST:

Protest filed more than 10 days
after knowledge of "initial adverse
agency action" is untimely. 4 C.F.R.
§ 20.2(a) (1980).

Digital American Computers, Inc. (Digital), {pro-
tests the award of a subcontract} by EG&G Idaho, Inc.
(EG&G), {a prime contractor, for the Department of
Energy} (DOE), under request for proposals No. K-3285.
Digital {claims that it was the low offeror and, there-
fore, should have been awarded the subcontract.}

Digital received a letter from EG&G on February 13,
1981, stating that it had not been awarded the subcon-
tract. Digital protested orally to EG&G on February 13
and DOE on February 18 and received their negative
reply on February 19. {Digital did not protest to our
Office until March 9. Section 20.2(a) of our {Bid
Protest Procedures} 4 C.F.R. part 20 (1980), {requires
that when a protest is initially filed with the con-
tracting agency, any subsequent protest to our Office,
to be timely, must be filed within 10 working days
of the initial adverse action taken by the agency.

Since Digital did not file its protest here until
March 9, more than 10 days after its protest to EG&G
and DOE was denied, it is untimely.} See W.B. Dickey Co.,
B-199224, July 15, 1980, 80-2 CPD 30.

{The protest is dismissed.}

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel

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D-16573